REMARKS

Claims 1-15 stand rejected. Claims 1-15 remain pending in this patent application. Applicants respectfully request further examination and reconsideration in view of the arguments set forth below.

Attached hereto is a marked-up version of the changes made to the patent application by the current amendments. The attached pages are captioned "Version With Markings To Show Changes Made." Applicants respectfully submit that no new matter is introduced as a result of these amendments.

Title Change

The Examiner has stated, "Pursuant to MPEP 606.01, the title should be changed to provide a complete and detailed description of the invention." Applicants have herein amended the title of the patent application. Applicants wish to apologize for any inconvenience which may have been caused.

35 U.S.C. §103 Rejections

Claims 1-15 of the present application are rejected under 35 U.S.C. §103(a) as being unpatentable over Lakshman et al., US Patent Number 6,269,078 (hereinafter Lakshman) in view of Mogul et al., US Patent Number 6,243,761 (hereinafter Mogul). The Applicants have reviewed the Lakshman and Mogul references and, for the following rationale, Applicants respectfully submit that the present invention is not rendered obvious by Lakshman and Mogul, alone or in combination.

CLAIM 1

Applicants respectfully contend that the Lakshman and Mogul references, alone or in combination, fail to teach or suggest an adaptive load control system as recited in independent Claim 1. For instance, Claim 1 recites in part (emphasis added):

> an adaptive load control system coupled to the content server to pass the access requests to the content server, wherein the adaptive load control system modifies an access request to access the corresponding content file in the adapted content format when the content server is in an overload condition such that the content server is maintained at safe load conditions.

Applicants respectfully submit that Claim 1 explicitly recites that when the content server is in an overload condition, the adaptive load control system modifies an access request to access the corresponding content file in the adapted content format. Applicants respectfully assert that the Lakshman and Mogul references, alone or in combination, fail to teach or suggest the performance of this particular functionality based on this specific condition as recited in Claim 1.

Based on the above rationale, Applicants respectfully submit that independent Claim 1 is not render obvious by the Lakshman and Mogul references, alone or in combination. Therefore, Applicants respectfully submit Claim 1 is allowable over the Lakshman and Mogul references.

CLAIM 9

Applicants respectfully contend that the Lakshman and Mogul references, alone or in combination, do not teach or suggest a method of maintaining a content server at safe load conditions as recited in newly amended independent Claim 9. For instance, amended Claim 9 recites in part (emphasis added):

> if the content server is determined to be in an overload condition, then modifying the access request to access the corresponding content file in an adapted content format which is less resource-intensive to serve than the same file in a full content format such that the content server is maintained at the safe load conditions.

Applicants respectfully submit that amended Claim 9 specifically recites that when the content server is determined to be in an overload condition, then the access request is modified to access the corresponding content file in the adapted content format. Applicants respectfully contend that the Lakshman and Mogul references, alone or in combination, do not teach or suggest the performance of this explicit functionality based on this particular condition as recited in amended Claim 9.

Based on the above rationale, Applicants respectfully submit that amended independent Claim 9 is not render obvious by the Lakshman and Mogul references, alone or in combination. Therefore, Applicants respectfully submit amended Claim 9 is allowable over the Lakshman and Mogul references.

CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of rejected Claims 1-15.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-15 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: OCTOBER 3, 2002

Thomas M. Catale
Registration No.: 46,434

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

Voice: (408) 938-9060
Facsimile: (408) 938-9069

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The title beginning on page 1, line 2, was amended as follows:

METHOD AND SYSTEM FOR MAINTAINING A CONTENT SERVER AT SAFE LOAD CONDITIONS [AN ADAPTIVE WEB SERVER]

IN THE CLAIMS

Claims 9-15 were amended as shown below:

9. (Once Amended) In a data service system of a data access network system having a content server that stores content files for access by external access requests, a method of maintaining the content server at safe load conditions, comprising [the steps of]:

determining load condition of the content server when the data service system receives an access request to access one of the content files stored in the content server;

if the content server is determined to be in an overload condition, then modifying the access request to access the corresponding content file in an adapted content format which is less resource-intensive to serve than the same file in a full content format such that the content server is maintained at the safe load conditions.

10. (Once Amended) The method of claim 9, further comprising [the step of] modifying the access request to access the corresponding content file in a full content format when the content server is determined not to be in the overload condition.

11. (Once Amended) The method of claim 9, wherein the [step of] determining load condition further comprises [the steps of] :

obtaining the actual load condition of the content server using a load monitor; and

comparing the actual load condition with a predetermined desired load condition to determine if the content server is in the overload condition.

12. (Once Amended) The method of claim 9, wherein the [step of] modifying the access request is performed by modifying the URL of the access request.

13. (Once Amended) The method of claim 10, wherein the [step of] modifying the access request is performed by modifying the URL of the access request.

14. (Once Amended) The method of claim 9, further comprising [the step of] directing the modified access request to access the corresponding content file in either the full content format of the adapted content format.

15. (Once Amended) The method of claim 9, wherein the [step of] determining load condition of the content server is performed either within the content server or external to the content server.